

# PETER J. GRIFFIN & CO.

## COMPENSATION LAWYERS

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- **WA MOTOR VEHICLE ACCIDENT INJURIES**
- **WORK RELATED INJURIES**
- **WORKCOVER**
- **MINING ACCIDENTS**
- **PUBLIC LIABILITY**
- **CRIMINAL INJURIES COMPENSATION**

If you have lodged a personal injuries claim we provide professional advice and representation in:-

- Road Accident Injuries
- Work Related Injuries
- Workcover
- Mining Accidents
- Public Liability
- Criminal Injuries Compensation

Are you confused by liability issues, threshold schedule percentages, quantum of damages, list of special damages and gratuitous calculations.

Make no mistake!

Give Peter J. Griffin & Co. a call

**COLOUR PHOTOGRAPH OF MVA**

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## Motor Vehicle Accidents/Road Crashes

If you have been injured in a road accident in WA you should be aware of the following factors:

For example:-

- The Third Party Insurer would only accept your claim where there is negligent driving on the part of the other driver.
- The entitlement to damages for non-economic loss, that is pain and suffering, loss of amenities, loss of enjoyment of life generally, applies where the claimant's injuries qualify to exceed the threshold schedule minimum, which is adjusted as of 1 July of each year.
- Most claims go to an informal conference arranged at the office of the third party insurer for discussions on a without prejudice basis and negotiations on terms of settlement to finalise the personal injury claim.
- Court proceedings would be commenced where the discussions for negotiations to finalise the claim at the informal conference are not successful.
- There is a limitation period of 3 years to commence Court proceedings.
- The vast majority of Court proceedings for personal injury claims with the third party insurer, may be settled by negotiation at a mediation conference known as a Pre-Trial Conference.
- Settlements which are negotiated are finalised with settlement documentation being signed by the claimant and the insurers representative. Upon signing of the documentation the terms of the settlement negotiated are binding on both the claimant and the insurer.

## How can Peter J. Griffin & Co. Assist?

By providing you with advice and assistance including:-

- The likely entitlement to compensation.
- The procedure for informal conferences and negotiation of settlement claims with the Third Party Insurer.
- Where necessary, preparing and lodging Court proceedings and progressing the matter to Pre-Trial Conference.
- Attending mediation and Pre-Trial conferences.

- If required, preparing documentation and arranging representation at Court hearing dates.
- Preparing assessments of damages, opinions and advising on quantum.
- Preparing assessments of liability and advising on risk of litigation.

### Work Related Injuries

If you have been injured in a work accident in WA, your entitlements are determined by the Workers Compensation and Injury Management Act.

For example:

1. A notice of the injury to the employer is required as soon as practicable after the occurrence.
2. There is a limitation period of 12 months to lodge a workers compensation claim form in relation to such an injury.
3. The worker may make application for an order for payment of reasonable expenses incurred or likely to be incurred in relation to hospital, medical and rehabilitation expenses and other ancillary costs. The amount for such expenses may be extended where the prescribed amount is inadequate.
4. In the case of permanent total incapacity a worker may make application for an order extending the liability of weekly payments beyond the prescribed amount.
5. Where there is a permanent impairment from the injury, the worker may be entitled to a lump sum payment calculated in accordance with Schedule 2 of the Act.
6. Where the degree of permanent whole of person impairment is at least 15% the worker may elect to pursue a common law damages claim. The termination date for election to retain the right to seek common law damages is 12 months after the day on which the claim for weekly payments is made but may be extended where the liability to make weekly payments is not resolved within 3 months after the day on which the claim is made or an extension is granted by the Director under Section 93M(4).
7. The Notice of Election by the worker must be registered with the Director before the expiry of the termination date.
8. There is a limitation period of 3 years to commence Court proceedings.

Mr. Peter Griffin is an experienced lawyer in dealing with road crash injury, work related injuries and personal injuries compensation for over 39 years and has practised in personal injury claims.

He is also appointed as a general Public Notary for the State of Western Australia and is a member of the Australia and New Zealand Collage of Notaries.



#### How would it work?

You provide Peter J. Griffin & Co. with details of the case.

Peter J. Griffin & Co will then provide you with preliminary advice as to the reasonable prospects and basic procedures involved with the management of your personal injuries claim.

If you wish to engage Peter J. Griffin & Co arrangements will be made to meet with you and to discuss the comprehensive details for your claim including a list of your injuries, disabilities, restrictions on your daily activities, loss of hobbies, loss of enjoyment of life generally and also to include history of medical treatments and depending on your circumstances details of loss of wages due to unfitness for work arising as a consequence of the injuries suffered, also including medical invoices, medical treatments, travel costs, chemist expenses, hospital expenses, scan and x-ray invoices any other medical invoices or treatment costs.

Thereafter, our firm will work with you to ensure that you receive the best possible advice and outcome.

#### What about payment of fees?

Peter J. Griffin & Co operates on the basis that professional fees and charges will be negotiated as part of the terms of settlement of your claim and is payable upon the finalisation of your claim.

The hourly rate for our legal services is determined from time to time by the Costs Committee Determination as published under the Legal Profession Act of 2008.

The charges are based on an hourly rate and it depends on the amount of services rendered to achieve a settlement to finalise your claim.

The terms of a costs agreement may be negotiated and you will find Peter J. Griffin & Co to be very flexible in this regard.